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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,376

08/31/2006

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08/31/2009

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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT

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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,376	Applicant(s) JOHNSON ET AL.	
	Examiner NNENNA N. EKPO	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 06/24/2009 have been fully considered but they are not persuasive.

Applicant argues on pages 6+ of the 06/24/2009 Remarks that neither Wasilewski et al. (U.S. Publication No. 2006/0161956) nor Ellis et al. (U.S. Publication No. 2009/0044226) fails to specifically disclose "enabling the user to select at least one device on which the reminder is designated to appear which is not capable of receiving the broadcast programming event" as now recited in claims 1, 8 and 14.

In response to applicant's argument, Examiner respectfully disagrees. Wasilewski et al. discloses enabling the user to select at least one device on which the reminder is designated to appear which is not capable of receiving the broadcast programming event in paragraphs 0030 and 0073. Wasilewski et al. go on to indicate that in another embodiment of his invention, a user may be able to receive DHCT settings (e.g., program reminders) via a device that is not a DHCT (e.g., via a personal

Art Unit: 2425

computer) and that DHCT settings are accessible from a non-DHCT device (e.g., a personal computer).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) in view of Ellis et al. (U.S. Publication No. 2009/0044226).

Regarding **claim 1**, Wasilewski et al. discloses a method for customizing a reminder for a programming event comprising the steps of (see figure 10A):

providing a reminder customizer on at least a first instrument of a plurality of instruments in communication with each other, wherein the reminder customizer includes a reminder options feature (see figures 8, 10A, paragraphs 0111-0113), for permitting a user to indicate at least one of a plurality of devices on which the reminder is to appear (see figure 8, paragraphs 0109-0110);

indicating at least one programming event (ABC news) for which a reminder is desired (see paragraph 0104);

specifying at least one user-desired instrument (fig 8, 803 - this set-top) from the plurality of instruments (fig 8, 802, 804 - other set-top, all set-tops).

However, Wasilewski et al. fail to specifically disclose auto-tune feature is desired to be implemented.

Ellis et al. discloses auto-tune feature is desired to be implemented (see paragraph 0108).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of setting reminders that will alert the user when a preselected program is about to begin or that will automatically tune to the user's set-top-box to the channel of the preselected program when the program is about to begin.

Regarding **claim 8**, Wasilewski et al. discloses a method for customizing a reminder for a programming event comprising the steps of (see figure 10A):

providing a reminder customizer on at least one a set top box (DHCT) of a plurality of set top boxes in communication with each other (see figures 8, 10A, paragraphs 0111-0113);

providing a user interface for interactive communication with said reminder customizer (fig 10A, 1000-1), said user interface providing a reminder options feature (see cited portion, but not limited to figure 10A, paragraphs 0111-0113) to permit a user to indicate at least one of a plurality of devices, capable of displaying the programming event, on which the reminder is to appear (see cited portion, but not limited to figure 8, paragraphs 0109-0110),

indicating at least one programming event (ABC news) for which a reminder is desired (see paragraph 0104); and

specifying at least one user-desired instrument (fig 8, 803 - this set-top) from the plurality of instruments (fig 8, 802, 804 - other set-top, all set-tops).

However, Wasilewski et al. fail to specifically disclose auto-tune feature is desired to be implemented.

Ellis et al. discloses auto-tune feature is desired to be implemented (see paragraph 0108).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of setting reminders that will alert the user when a preselected program is about to begin or that will automatically tune to the user's set-top-box to the channel of the preselected program when the program is about to begin.

Regarding **claim 14**, Wasilewski et al. discloses an apparatus for customizing a reminder for a programming event comprising (see figure 10A):

a reminder customizer which includes a reminder options feature (see figures 7 (704), 10A, paragraphs 0111-0113) for enabling a user to indicate at least one programming event for which a reminder is desired and permitting a user to select at least one device for displaying the reminder at that device (see cited portion, but not limited to figures 7(704), 8, paragraphs 0104, 0109-0110); and

a customizable feature which permits the user to specify at least one user-desired set top box from a plurality of set top boxes in communication with each other (see fig 8, paragraphs 0109-0110);

a controller for controlling coupling of a decoded signal to at least one device in accordance with the user-selected reminder options (see cited portion, but not limited to figure 8, paragraphs 0109-0110).

However, Wasilewski et al. fail to specifically disclose auto-tune feature is desired to be implemented.

Ellis et al. discloses auto-tune feature is desired to be implemented (see paragraph 0108).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s invention with the above mentioned limitation as taught by Ellis et al. for the advantage of setting reminders that will alert the user when a preselected program is about to begin or that will automatically tune to the user's set-top-box to the channel of the preselected program when the program is about to begin.

Regarding **claims 2 and 9**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (*see claims 1 and 8*). Wasilewski et al. discloses the method further comprising the step of providing a second instrument, said second instrument being in communication with said first instrument, wherein said at least one indicated device on

Art Unit: 2425

which the reminder is to appear is operably connected to said second instrument (see cited portion, but not limited to figs 1A-1C, paragraphs 0026-0030).

Regarding **claims 3, 10 and 16**, Wasilewski et al. and Ellis et al. discloses everything claimed as applied above (see *claims 1, 8 and 14*). Wasilewski et al. discloses setting a date and time for a reminder (see cited portion, but not limited to paragraph 0065).

Ellis et al. discloses the at least one indicated programming event for which the reminder is desired, is automatically tuned to on the at least one specified user-desired instrument at a desired time (see paragraph 0112).

Regarding **claims 4 and 11**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (see *claims 1 and 8*). Wasilewski et al. discloses the method wherein if the user does not indicate the device on which the reminder is to appear, further comprising the step of activating a default mode (see paragraphs 0104-0108).

Regarding **claims 5 and 12**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (see *claims 1 and 8*). Wasilewski et al. discloses the method wherein the default mode is customizable by the user (see paragraph 0110).

Regarding **claims 6, 13 and 17**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (*see claims 1, 8 and 14*). Wasilewski et al. discloses the method wherein the device comprises at least one of a television, PDA, computer, cellular phone and landline phone (see paragraph 0030).

Regarding **claim 7**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (*see claim 1*). Wasilewski et al. discloses the method wherein the first instrument (200-1), comprises a receiver (see paragraphs 0026-0027).

4. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) and Ellis et al. (U.S. Publication No. 2009/0044226) as applied to *claim 14* above, and further in view of Ellis et al. (U.S. Publication No. 2005/0235322).

Regarding **claim 15**, Wasilewski et al. and Ellis et al. ('226) discloses everything claimed as applied above (*see claim 14*). However, Wasilewski et al. and Ellis et al. ('226) fail to specifically disclose the apparatus further comprising a decoder for providing the decoded signal from an input signal.

Ellis et al. ('322) discloses the apparatus further comprising a decoder for providing the decoded signal from an input signal (see paragraph 0039, lines 16-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al. and Ellis et al.'s ('226)

Art Unit: 2425

invention with the above mentioned limitation as taught by Ellis et al. ('322) for the advantage of extracting the portion desirable to the user.

5. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) and Ellis et al. (U.S. Publication No. 2009/0044226) as applied to *claims 1, 8 and 14* above, and further in view of Knudson et al. (U.S. Publication No. 2008/0184313).

Regarding **claims 18, 19 and 20**, Wasilewski et al. and Ellis et al. discloses everything as claimed above (*see claims 1, 8 and 14*). However, Wasilewski et al. and Ellis et al. fails to specifically disclose the method further comprising the step of indicating a desired frequency of the reminder.

Knudson et al. discloses the method further comprising the step of indicating a desired frequency of the reminder (see paragraph 0059, lines 1-5, paragraph 0108, lines 15-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Wasilewski et al. and Ellis et al.'s invention with the above mentioned limitation as taught by Knudson et al. for the advantage of allowing a user to indicate how soon the scheduled program or reminder messages are to be generated and displayed to the user.

Conclusion

Art Unit: 2425

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
August 26, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425

Application/Control Number: 10/591,376
Art Unit: 2425

Page 11